



Entered on Docket
August 07, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725-LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF POST-
EFFECTIVE DATE USA CAPITAL
DIVERSIFIED TRUST DEED FUND,
LLC, TO PROOFS OF INTEREST**

Hearing Date: July 27, 2007
Hearing Time: 9:30 a.m.
Hearing Place: Courtroom 1

1 The Court, having considered the Second Omnibus Objection of Post-Effective Date
2 USA Capital Diversified Trust Deed Fund, LLC to Proofs of Interest (the "Objection"), Anne M.
3 Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective
4 Date USA Capital Diversified Trust Deed Fund, LLC; with no other appearances being noted on
5 the record; appropriate notice of the Objection having been given; and for good cause appearing:

6 **IT IS HEREBY ORDERED** that the Objection is sustained.

7 **IT IS FURTHER ORDERED** that the interests listed on Exhibit 1, attached hereto and
8 made a part hereof, shall be treated in accordance with the disposition detailed on Exhibit 1 with
9 respect to such interests.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **BECKLEY SINGLETON, CHTD.**

12 By /s/ Anne M. Loraditch

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Diversified Trust Deed Fund, LLC

RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
- ☐ approved the form of this order; and/or
 - ☐ waived the right to review the order; and/or
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- ☒ No parties filed any written opposition or appeared at the hearing regarding the Objection, and there is no trustee appointed in the case.

BECKLEY SINGLETON, CHARTERED

By: /s/ Anne M. Loraditch
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EXHIBIT 1

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
175	Anne Nounna	999	11/13/06	\$100,000	\$100,000	Interest disallowed in its entirety as duplicative of interest no. 174 already filed in the Diversified case.
176	Anne Nounna	999	11/13/06	\$100,000	\$100,000	Interest disallowed in its entirety as duplicative of interest no. 174 already filed in the Diversified case.
127	Olympia Capitol Mgmt, Registrant	15238	11/10/06	\$100,000	\$96,094.65	Interest disallowed to the extent it exceeds \$96,094.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
024	Robert J. Scott	10827	10/02/06	\$77,423.96	\$72,070.98	Interest disallowed to the extent it exceeds \$72,070.98, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
099	Carol Turner	3012	11/02/06	\$98,054.36	\$96,094.65	Interest disallowed to the extent it exceeds \$96,094.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
090	John Weaver	9838	11/01/06	\$59,548.51	\$59,548.51	Interest disallowed in its entirety as duplicative of interest no. 23 already filed in the Diversified case.
088	Raul Wood	9784	10/31/06	\$33,564.91	\$33,564.91	Interest disallowed in its entirety as duplicative of interest no. 86 already filed in the Diversified case.
089	Raul Wood	10384	10/31/06	\$31,439.12	\$31,439.12	Interest disallowed in its entirety as duplicative of interest no. 85 already filed in the Diversified case.
039	1994 Duesing Trust	5827	10/10/06	\$200,000.00	\$192,189.29	Interest disallowed to the extent it exceeds \$192,189.29, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
030	Bank of America Trustee, IRA Herbert Hansen	2067	10/02/06	\$49,287.32	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
158	Benjamin Barnica	7149	11/14/06	\$25,000.00	\$24,023.66	Interest disallowed to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
110	Jean Berthelot	17505	11/09/06	\$33,965.51	\$24,023.66	Interest disallowed to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
065	Tearnan Blake	12053	10/16/06	\$59,058.88	\$58,958.88	Interest disallowed to the extent it exceeds \$58,958.88, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
095	Douglas Carson	354	11/07/06	\$150,000.00	\$144,141.97	Interest disallowed to the extent it exceeds \$144,141.97, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
093	Laurie Carson	378	11/07/06	\$25,000.00	\$24,023.66	Interest disallowed to the extent it exceeds \$24,023.66, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
173	Vincent Danelian	467	11/15/06	\$49,047.32	\$48,047.92	Interest disallowed to the extent it exceeds \$48,047.92, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
071	Debra Williams	11553	10/20/06	\$30,533.48	\$29,923.24	Interest disallowed to the extent it exceeds \$29,923.24, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

Proof of Interest No.	Equity Interest Holder	Acct ID #	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
040	Albert H. Downing	16816	10/10/06	\$50,000.00	\$48,047.32	Interest disallowed to the extent it exceeds \$48,047.32, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
049	David Joyce	15527	10/11/06	\$96,594.65	\$96,094.65	Interest disallowed to the extent it exceeds \$96,094.65, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.
187	Frederick W. Kewell	17527	11/16/06	\$50,000.00	\$52,439.42	Interest allowed in the amount of \$52,439.42, which is the amount of the filing Party's equity interest in Diversified as of the Petition Date, as reflected in Diversified's books and records.

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